



Office of the Attorney General
State of Texas

March 12, 1998

DAN MORALES
ATTORNEY GENERAL

Mr. Ron M. Pigott
Assistant General Counsel
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR98-0694

Dear Mr. Pigott:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 113127.

The Texas Department of Public Safety (the "department") received a request for "[t]he names of those individuals certified to teach concealed handgun classes who have had their license revoked and/or suspended." You submit to this office for review a representative sample of the records which you assert are responsive.¹ You assert that the requested information in the form requested is excepted from disclosure pursuant to section 552.101 of the Government Code in conjunction with article 4413(29ee), section 21, V.T.C.S. We have considered your argument and have reviewed the information submitted.

Section 552.101 excepts from required public disclosure information considered to be confidential by law, either constitutional, statutory, or by judicial decision. We note that the Seventy-fifth Legislature repealed V.T.C.S. article 4413(29ee) concerning the disclosure of handgun licensure information, and codified it at Government Code section 411.171 *et seq.* Act of May 29, 1997, ch.165, § 10.01(b), 75th Leg., R.S. (Effective Sept. 1, 1997). Although the Seventy-fifth Legislature repealed and codified article 4413(29ee) as part of the Government Code, the legislature did not intend a substantive change of the law but

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

merely a recodification of existing law. Sections 411.192 and 411.193 govern the release of all information maintained by the department concerning the license to carry a concealed handgun. The statute provides for the confidentiality and the release of certain information. Section 411.193 is entitled "Statistical Report" and provides:

The department shall make available, on request and payment of a reasonable fee to cover costs of copying, a statistical report that includes the number of licenses issued, denied, revoked, or suspended by the department during the preceding month, listed by age, gender, race, and zip code of the applicant or license holder.

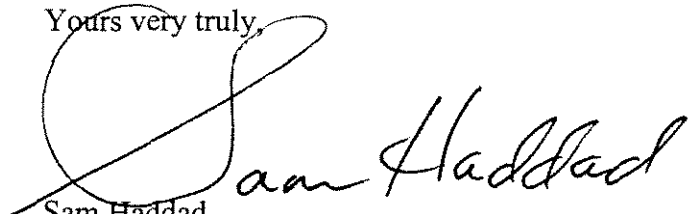
You argue that because this section does not include the names of those instructors who have had their certifications suspended or revoked as an item which may be released, the department is prohibited from disclosing such information to the requestor. In this regard, we note that, as a general rule, statutory confidentiality requires express language making particular information confidential. *See* Open Records Decision No. 478 (1987). However, we also note that section 411.192 provides in pertinent part:

The department shall disclose to a criminal justice agency information contained in its files and records regarding whether a named individual or any individual named in a specified list is licensed under this article. The department shall, on written request and payment of a reasonable fee to cover costs of copying, disclose to any other individual whether a named individual or any individual whose full name is listed on a specified written list is licensed under this article. Information on an individual subject to disclosure under this section includes the individual's name, date of birth, gender, race, and zip code. *Except as otherwise provided by this section and by Section 21 of this article, all other records maintained under this article are confidential and are not subject to mandatory disclosure under the open records law, Chapter 552, Government Code, except that the applicant or license holder may be furnished a copy of such disclosable records on request and the payment of a reasonable fee. The department shall notify a license holder of any request that is made for information relating to the license holder under this section and provide the name of the person or agency making the request. Nothing in this section shall prevent the department from making public and distributing to the public at no cost lists of individuals who are certified as qualified handgun instructors by the department. (Emphasis added.)*

The information you seek to withhold is not among those categories of information specifically made public under sections 411.192 and 411.193. Because "all other records maintained under this article are confidential," under section 411.192, we therefore conclude that the department must withhold the requested information pursuant to section 552.101 of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,


Sam Haddad
Assistant Attorney General
Open Records Division

SH/rho

Ref.: ID# 113127

Enclosures: Submitted documents

cc: Ms. Kay Vinson
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